

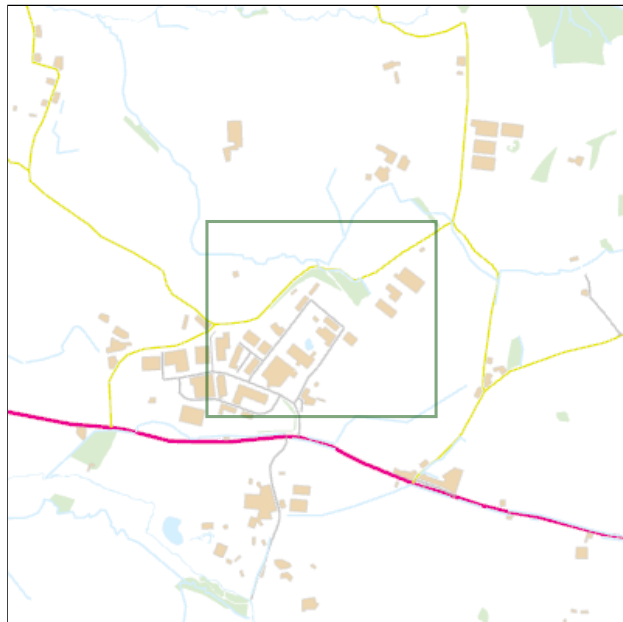
Ward Broadclyst

Reference 23/1478/FUL

Applicant Ms Naomi Harnett

Location Land To The North Of Stuart Way Clyst St Mary

Proposal Proposal for a new building to house an Energy Substation with associated vehicle access, boundary fencing, external works, and infrastructure



RECOMMENDATION: Approval with conditions

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		Committee Date: 26.09.2023
Broadclyst (Farringdon)	23/1478/FUL	Target Date: 08.09.2023
Applicant:	Ms Naomi Harnett (EDDC)	
Location:	Land To The North Of Stuart Way, Clyst St Mary	
Proposal:	Proposal for a new building to house an Energy Substation with associated vehicle access, boundary fencing, external works, and infrastructure	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the applicant is East Devon District Council.

This application seeks full planning permission for the erection of a building measuring 20.9m long by 16.9m wide with a maximum eaves height of 6m with a total floor area of 353 square metres to house a substation mechanical and electrical equipment to be used in conjunction with the district heating network powered by the combined heat and power plant at Hill Barton.

The site lies on Hill Barton Business Park which is one of the most successful employment areas in the district where vacant sites for development are at a premium. Support is given by Policy E2 (Employment Generating Development in Built-Up Areas) for new businesses or expansion of existing businesses will be permitted provided the proposed development, whether through re-use of existing buildings or new build (subject to a number of criteria). The proposal is not a 'traditional employment generating use', though it would be an industrial installation, as the direct employment that would be on site permanently is virtually nil given the building would house a piece of infrastructure rather than employment space, however, there would be indirect employment which would come as a result of the building and it would enable the district to improve its green credentials and would, in part, address the declared climate change emergency.

There a varied mix of building styles and heights that are evident on Hill Barton Business Park, though the predominant character is of large industrial buildings with pitched roofs using corrugated materials on their elevations extending to heights of up to 12 metres, the application site sits adjacent to a number of other buildings designed for their use with overall ridge heights of approximately 8-10

metres. The design of the building is relatively simple with two low level pitched roofs and central valley constructed of profiled metal sheeting, being set amongst other industrial buildings away from the periphery of the site, the building would not be readily visible in its surroundings such that it is considered that it will assimilate well into its surroundings.

The impacts on highway safety, residential amenity and flooding have been considered in the report and been found to be acceptable such that approval is recommended subject to conditions.

CONSULTATIONS

Local Consultations

Parish Council - no comment received

Technical Consultations

Environmental Health

I have considered the application and do not anticipate any environmental health concerns.

Other Representations

No representations have been received as a result of this application.

PLANNING HISTORY

There are numerous applications for industrial uses surrounding the site, but none that are directly relevant to the determination of this application. The following application is referred to in the report:

23/1102/LDO - Revised boundary for the Adopted Local Development Order (LDO) for District Heating Networks under application number 20/0530/LDO – Approved.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

E2 (Employment Generating Development in Built-Up Areas)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

TC7 (Adequacy of Road Network and Site Access)

Strategy 40 (Decentralised Energy Networks)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Site Location and Description

The site lies on the established Hill Barton Business Park which is made up of a number of businesses predominantly falling within use classes B2 and B8 performing industrial processes and storage functions. It is currently a vacant site with no buildings upon it, though there are buildings to the north and to the west. It is served by two roads, Stuart Way and Mushroom Road. The industrial estate is accessed by a dedicated spayed access onto the main A3052 highway. There are no residential properties in close proximity to the site.

Proposed Development

This application seeks full planning permission for the erection of a building measuring 20.9m long by 16.9m wide with a maximum eaves height of 6m with a total floor area of 353 square metres to house a substation mechanical and electrical equipment to be used in conjunction with the district heating network powered by the combined heat and power plant at Hill Barton.

East Devon District Council (EDDC) currently has two district heating networks. The development of district heating networks is part of EDDC's strategy to deliver large scale zero carbon development. The system is operated by energy substations, currently connected to the national gas main. It was always expected that the district heating systems would support decarbonisation. Initially the system was anticipated to be served by a biomass boiler, however it became evident that technology had not matured sufficiently to provide a reliable and commercially deliverable solution. A project is now being undertaken to heat the networks using heat recovery from a forthcoming Energy from Waste plant, situated in the Hill Barton Industrial estate. The connection of the district heat networks to the Energy from Waste plant will result in decarbonisation of the networks.

Main considerations

Background

Members will be aware that an item recently considered by them at the 22nd August Committee recommended approval for the expansion of the area under a Local Development Order (LDO) to give permitted development rights for underground pipes and cables and some minor above ground works from the area south of the A30 towards the A3052, the expansion of the area was agreed to at the meeting.

The District Heating Local Development Order gives permitted development rights for the installation for high pressure hot water pipes and ancillary equipment as listed in the Order, subject to the limitations and conditions set out in the Order. The LDO provides certainty to developers, reduces the regulatory process and facilitates faster

development. The heat network is a system of heat distribution which takes heat from energy centres and supplies it to individual buildings. The district heating (DH) networks are an essential part of East Devon's plan to facilitate more sustainable forms of energy consumption. The benefits of the DH networks grow as the networks increase in size and they provide a unique opportunity for large scale distribution of energy from renewable and recovered heat sources.

Currently the heat networks are connected via the energy centres to mains gas. The aim is for the two energy centres to be supplied by a more sustainable heat source by using heat recovery from the waste incineration at Hill Barton Industrial Estate. The proposed revised boundary of the LDO will grant permitted development for pipes and ancillary equipment to be installed, connecting the energy centres to an Energy from Waste plant at Hill Barton. The plant currently under construction has been granted consent by Devon County Council, as Minerals and Waste Planning Authority.

The main considerations in the determination of this application are considered to be:

- The principle of the proposed development;
- The impact of the building on its surroundings;
- The impact on residential amenity through noise/lighting disturbance;
- The impact on highway safety; and
- Flood risk.

Principle

The site lies on Hill Barton Business Park which is one of the most successful employment areas in the district where vacant sites for development are at a premium. Support is given by Policy E2 (Employment Generating Development in Built-Up Areas) for new businesses or expansion of existing businesses will be permitted provided the proposed development, whether through re-use of existing buildings or new build (subject to a number of criteria). The proposal is not a 'traditional employment generating use', though it would be an industrial installation, as the direct employment that would be on site permanently is virtually nil given the building would house a piece of infrastructure rather than employment space, however, there would be indirect employment which would come as a result of the building and it would enable the district to improve its green credentials and would, in part, address the declared climate change emergency.

Paragraph 155 of the National Planning Policy Framework states the following:

To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for colocating potential heat customers and suppliers.

This is picked up at a local level by Strategy 40 (Decentralised Energy Networks) of the EDDC Local Plan.

Through the granting of permission to extend the LDO area for installing underground pipes that will link the district heating network together being powered by the application site building in conjunction with the energy from waste building close to the application site, it has created an 'area of search' for a vacant site to accommodate a substation building. There are very few available sites on Hill Barton Business Park close to the energy from waste building, other available sites would be greenfield such this it is considered that the proposed site for the building being a brownfield site not currently in use would be acceptable in principle and provide a valuable missing piece of the jigsaw to realise the sustainability aim of the Council.

Accordingly, it is considered that the proposed development would accord with Policy E2 of the EDDC Local Plan together with the guidance contained in Paragraph 155 of the NPPF.

Impact on surroundings

There are a varied mix of building styles and heights that are evident on Hill Barton Business Park, though the predominant character is of large industrial buildings with pitched roofs using corrugated materials on their elevations extending to heights of up to 12 metres, the application site sits adjacent to a number of other buildings designed for their use with overall ridge heights of approximately 8-10 metres. The design of the building is relatively simple with two low level pitched roofs and central valley constructed of profiled metal sheeting, being set amongst other industrial buildings away from the periphery of the site, the building would not be readily visible in its surroundings such that it is considered that it will assimilate well into its surroundings.

The proposal is therefore considered to be acceptable in relation to Policy D1 - Design and Local Distinctiveness of the EDDC Local Plan.

Impact on residential amenity

The building would be set amongst other industrial buildings away from the periphery of the site where there are very few residential properties, however, as the site has the potential to create noise and other disturbance through light spillage, it is incumbent on the Local Planning Authority to assess the impacts that these may have on the living conditions of nearby residents.

The Council's Environmental Health Officer has been consulted and raises no objections to the proposed development. Whilst the Design and Access Statement suggests that there will be no lighting impacts associated with it, it is considered necessary through condition to seek details of any extremal lighting prior to their instillation should there be a future need on site.

As with most development the knock on effects of granting permission for a substation and the associated LDO will result in some short-term disturbance whilst pipes are installed. The majority of pipes will be installed away from residential properties and are not expected to cause significant disruption during installation. Once installed there will be no adverse impacts to nearby properties. The ground surface will be returned to its previous condition and they will not affect the future agricultural use of the land. Once completed the development permitted under the LDO will not result in an increase in noise, smell, dust.

Accordingly, it is considered that the proposed development is acceptable in accordance with Policies EN14 - Control of Pollution and Policy D1 - Design and Local Distinctiveness of the EDDC Local Plan.

Impact on highway safety

The existing business park is served by a dedicated splayed access onto the A3052 Exeter to Sidmouth highway that witnesses a reasonable level of traffic on a daily basis and is used frequently by heavy goods vehicles, the application site would generate a very low level of traffic given that it would only be visited from maintenance vehicles once construction has finished, such that it is considered that there would not be a notable impact on highway safety as a result of this proposal. An external area is set aside for maintenance vehicles within the compound including the substation building

The proposal is therefore considered to be acceptable in relation to Policy TC7 of the EDDC Local Plan and advice contained within Paragraph 111 of the NPPF.

Flood risk

The access road to the east of the site (Stuart Way) is identified on the Environment Agency's mapping system as falling within flood zone 2, it is very narrow designation that only covers the roadway and none of the proposal site. Access can be gained to the site, via the red line boundary for the application from the west along Mushroom Road instead of having to transverse Stuart Way in times of flood.

The proposal being outside flood zone 2 and being wholly within flood zone 1 is considered acceptable in accordance with Policy EN21 of the EDDC Local Plan.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.

(Reason - For the avoidance of doubt.)

3. No external lighting shall be constructed or provided unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, any lighting shall be carried out and maintain in accordance with the approved details.

(Reason: To protect the character and appearance of the countryside surroundings in accordance with Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan and to protect nearby occupiers in accordance with the requirements of Policy EN14 - Control of Pollution of the East Devon Local Plan)

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

220905 L 01 01D	Location Plan	14.07.23
220905 HB 01 01	Proposed Floor Plans	07.07.23
220905 HB 01 02	Other Plans	07.07.23
220905 HB 01 02	Proposed roof plans	07.07.23
220905 HB 02 01	Proposed Elevation	07.07.23
220905 HB 02 02	Proposed Elevation	07.07.23
220905 L 02 01	Block Plan	07.07.23
220905 SE 03 01	Sections	07.07.23

List of Background Papers

Application file, consultations and policy documents referred to in the report.

Statement on Human Rights and Equalities Issues

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights

and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation